

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Julia Arias,

Plaintiff,

V.

Henry Lewis Ferguson, Merchant's
Distributors Inc.,

Defendants.

C/A No.: 7:13-cv-02703-GRA

ORDER
(Written Opinion)

This matter comes before this Court upon Plaintiff's Motion to Compel pursuant to Fed. R. Civ. P. 37. ECF No. 37. For the reasons set forth below, Plaintiff's Motion to Compel is GRANTED.

Plaintiff moves this Court to compel answers and production in regards to three discovery matters. *Id.* First, Plaintiff requests answers and production “in response to her First Requests for Production of documents and/or electronically stored information” which was served on Defendant Merchant’s Distributors Inc. on November 22, 2013. *Id.* Second, Plaintiff requests answers and production in response to “Interrogatories and Request for Production” served on Defendant Henry Ferguson on December 20, 2013. *Id.* Finally, Plaintiff requests answers and production in response to interrogatories served on Defendant Merchant’s Distributors Inc. on December 20, 2013. *Id.*

Plaintiff's Motion was filed on March 14, 2014. *Id.* Defendants' response was due by March 31, 2014. *Id.* Neither defendant filed a timely response.

The Fourth Circuit has clearly delineated its position regarding a district court's ability to implement and enforce discovery parameters. "[A] district court has wide latitude in controlling discovery and . . . its rulings will not be overturned absent a clear abuse of discretion." *Ardrey v. United Parcel Serv.*, 798 F.2d 679, 682 (4th Cir. 1986) (citations omitted). "A motion to compel discovery is addressed to the sound discretion of the district court." *LaRouche v. Nat'l Broad. Co.*, 780 F.2d 1134, 1139 (4th Cir. 1986); see *Lone Star Steakhouse & Saloon, Inc. v. Alpha of Va., Inc.*, 43 F.3d 922, 929 (4th Cir. 1995) ("This Court affords a district court substantial discretion in managing discovery and reviews the denial or granting of a motion to compel discovery for abuse of discretion.") (internal citation omitted). "The latitude given the district court extends as well to the manner in which it orders the course and scope of discovery." *Ardrey*, 798 F.2d at 682 (citations omitted).

"On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery." Fed. R. Civ. P. 37(a)(1). "The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." *Id.*

In this case, Plaintiff has certified that she conferred or attempted to confer with the Defendants in good faith, stating that "Plaintiff has written and called counsel for the Defendants repeatedly and been promised responses repeatedly." ECF No. 37. "The most recent promise was the Defendant would provide responses by Friday, March 7, 2014." *Id.* Defendants have not responded in opposition to

Plaintiff's Motion or attempted to explain why they should not have to respond to Plaintiff's discovery requests.

Therefore, this Court finds that Plaintiff's Motion should be granted. Defendant Merchant's Distributors Inc. is instructed to respond to Plaintiff's First Requests for Production of documents and/or electronically stored information served on November 22, 2013, as well as Plaintiff's Interrogatories served on December 20, 2013. Defendant Henry Ferguson is instructed to respond to Plaintiff's Interrogatories and Request for Production served on December 20, 2013. If Defendants fail to comply with this Court's Order, sanctions may be imposed under Rule 37. See Fed. R. Civ. P. 37(b).

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel is GRANTED. Defendants are ordered to serve discovery responses, in accordance with this Order, within twenty (20) days of the date of this Order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. Ross Anderson, Jr.
Senior United States District Judge

April 2, 2014
Anderson, South Carolina